

Hon. Mr. McMEANS: And to be fined.

Hon. Mr. DANDURAND: What is the effect of allowing an appeal to these people? It is that the law, which has been made a severe one for crimes that should be driven out of the community, is made void, and the sentence is set aside by the accused themselves, who transform a conviction for five years or seven years into a fine of a few hundred dollars, which they deposit, and under cover of that deposit they disappear. They have thus thwarted the judgment of the court. They are not citizens of repute, of standing, or of known residence. They move from one city to another to ply their trade, and thus alter the law of Canada in their own favour, instead of standing the penalty.

Hon. Mr. LYNCH-STAUTON: I think it is quite right with that explanation.

Hon. Mr. McMEANS: I wish to point out that there is a very easy remedy. You have your Act by which you say that a man who commits any of those offences is liable on indictment. Well, why not indict him? Then there is no appeal, except on a stated case by the judge himself; but if you select for his trial an inferior court of magistrates, who have no training and no knowledge of these things, then you must provide some means of appeal.

Hon. Mr. DANDURAND: I may say that in the city of Montreal there were last year some four hundred cases. Is it just that the Crown should be put to the necessity and expense of indicting?

Hon. Mr. McMEANS: Why not arrest the accused, and then when he comes before the magistrate he is sent down for trial, and he remains in jail until he gets his trial. Then there is no appeal after he is tried on an indictment.

Right Hon. Sir GEORGE E. FOSTER: There are not sufficient judges to try them all.

Hon. Mr. WILLOUGHBY: I am not going to argue the question of appeal, but I think you should not take away the right of certiorari, no matter how regular the conviction may be, if it is made before anybody but a judge on an indictment. It now stands without an appeal on the merits, or on any question of validity in law.

Hon. Mr. LYNCH-STAUTON: If one of those fellows happened to be honest, he could always appeal to the Minister of Justice.

Hon. Mr. DANDURAND.

Hon. Mr. FOWLER: Yes.

Section 24 was agreed to.

Sections 25, 26 and 27 were agreed to.

On the schedule:

Hon. Mr. DANDURAND: There is only one addition to the schedule:

Cannabis Indica (Indian Hemp) or Hasheesh, or its preparations or compounds or derivatives, or their preparations and compounds.

The schedule was agreed to.

Hon. Mr. BEIQUE: As a suggestion to the Department of Justice on section 14, I submit the following:

The onus of proof of the existence of a license or of lawful authority to do any act complained of under this Act shall be upon the accused.

Hon. Mr. LYNCH-STAUTON: That is not sufficient.

The Hon. the CHAIRMAN: It was decided that section 14 should stand.

Hon. Mr. DANDURAND: It is simply a suggestion made by the honourable gentleman, for the Department to consider.

Sections 4 and 14 stand.

Progress was reported.

FOREST RESERVES AND PARKS BILL CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 82, an Act to amend The Dominion Forest Reserves and Parks Act.

Hon. Mr. Blain in the Chair.

Hon. Sir JAMES LOUGHEED: What is the object of consolidating this Act in this way, in a Bill of over 40 pages?

Hon. Mr. DANDURAND: The schedule is a new description of each of the 39 reserves which come under the Dominion Forest Reserves Act.

Right Hon. Sir GEORGE E. FOSTER: And which are new reserves?

Hon. Mr. DANDURAND: Yes, which are new reserves. No change is proposed in the areas comprising many of those reserves. The re-writing of the schedule was approved owing to the fact that the original description in the 1911 Act was made by the metes and bounds system, which is a very cumbersome and complicated method, and also in view of the fact that in the numerous amendments to the original Act the lands added or withdrawn have been described by section, township, and range. The result is that it is a very difficult matter for anyone not